

Patent Application of MURASAKI et al.
Serial No.: 08/828,417
Art Unit:

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Claims 25, 27-29, 31-33, 36 and 37 have been rejected as being indefinite for reasons set forth in paragraph 1 on pages 2 and 3 of the Office Action. Claims 25 and 27-29 have been revised to overcome the rejections. However, the rejections of claims 28, 31-33, 36 and 37 are respectfully traversed. With regard to claims 28 and 31, the Examiner is respectfully directed to claim 23, line 3, prior to amendment, where "command data" is positively recited and therefore serves as antecedent basis for its occurrence in claim 23, line 1, and in claim 31, lines 2-3. Claim 29 has been amended to recite "a first phrase database," and this serves as the antecedent for the recitation in claims 32 and 33. Claim 36 has been amended in line 2 to recite "a first phrase database" instead of "said first phrase database," giving the reference in claim 37, line 2, to "said first phrase database" an antecedent basis. It is also noted that the Examiner has indicated that the 35 U.S.C. Section 112 rejections set forth in the first Official Action have been overcome.

All of the claims 23-38 have been rejected under 35 U.S.C. Section 103 as

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being obvious and, therefore, unpatentable on the basis of the primary Murata et al. patent '743 in view of or when combined with the following secondary patents: Lowe et al. '401; Best '073; Best '152; and Cookson et al. '950. The Examiner's reasons are set forth in paragraph 2 on pages 3-6 of the Office Action. These rejections constitute new grounds of rejection. The Examiner has indicated that such new grounds of rejection have been necessitated by applicant's previous Amendment.

The Examiner's primary reference, Murata et al. '743, has been relied on for the basic proposition that it is known to provide a device which generates play-by-play announcements corresponding to specified events in a game. The Examiner has heavily relied on the teachings in Murata et al. '743 for teaching of the use of "alternate phrases" for a given play of the game.

During a personal conference with the Examiner on March 15, 2000, the Examiner again heavily relied on Murata et al. '743 for the proposition that it is well known to those skilled in the art to provide a game device that switches phrases based on conditions or events that take place during a game. During this conference, it was pointed out to the Examiner that the instant invention is,

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however, patentably distinguishable over Murata et al. Murata et al. discloses a memory for storing a plurality of announcements each correlated to a specific one predetermined event. Thus, reviewing the announcements in each of the Murata et al. scenes, starting at column 3, line 48, through column 4, line 11, it will be noted that none of the announcements are related to each other in the sense that no two, or three, or more are substantially synonymous and relate to the same game event, and therefore no announcement can be interchanged for any other announcement in a set. Even if they could be changed, the reference specifically teaches away from such interchangeability. This is made evident in Fig. 4 of Murata et al., in which each event (S1), (S7) and (S13) results in only one possible announcement (S3), (S9) and (S15), respectively. In fact, this point is emphasized in Murata et al. starting at column 4, lines 9 through 23, in which the inventors distinguish the two announcements "HIT!" and "HIT A BALL!" While these two announcements ostensibly could have the same meaning, the inventors have emphasized that they are not intended to have the same meanings but express a slightly different "nuance": each of these announcement corresponds to a slightly different "event," or condition of play. Therefore, the Murata et al. device will only select one of

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these announcements when a corresponding or related event takes place and will not have the option of selecting any other - no matter how close in meaning or connotation..

In the present invention, on the other hand, a plurality of phrases are made to correspond to one single game situation. Thus, even though the same game situation reoccurs, and in exactly the same way, the device has the option and can select a different, but substantially synonymous or at least equally appropriate phrase or announcement. In a succeeding repetition of this identical event, therefore, the device can enunciate a completely different announcement. Murata et al clearly fails to teach or even remotely suggest such an arrangement and method as disclosed and claimed in the present application. In fact, not only does Murata et al fail to teach or suggest the desirability of such use of optional phrases but expressly teaches away from the present invention.

Thus, the gist of the present invention is that a plurality of phrases are made to correspond to a single game situation, and even though the same game situation reoccurs, the same phrase may or may not be reproduced.

For example, assume that the situation is where a runner is on first base and

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the batter hits a single. Here, the system of the present application randomly selects and outputs such phrases as “(player’s name) hits a single” or “it’s a hit” and so on. Therefore, the present system will not always output the same phrase as previously even though the same game situation reoccurs.

The secondary references do not add or supplement Murata et al with regard to the primary feature of the claimed invention. Therefore, combination of Murata et al with one or more of the secondary references would continue to be deficient in the essence of what applicants regard as their invention. This does not even address the issue of whether it would be obvious to combine the references as has been proposed by the Examiner. However, even if such combination(s) were to be made the resulting devices would still fail to contain the attributes of the invention and would continue to lack the ability to perform as does the present invention and provide the desired features, functions and benefits of the invention as defined in the claims now of record.

In view of the foregoing, it is respectfully requested that the Examiner reconsider the outstanding rejections in the parent application and withdraw the

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same. It is believed that this continued prosecution application is in condition for allowance. Early allowance and issuance is, accordingly, respectfully solicited.

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Respectfully submitted,

LACKENBACH SIEGEL MARZULLO
ARONSON & GREENSPAN, P.C.
Lackenbach Siegel Building
One Chase Road
Scarsdale, NY 10583
(914) 723-4300

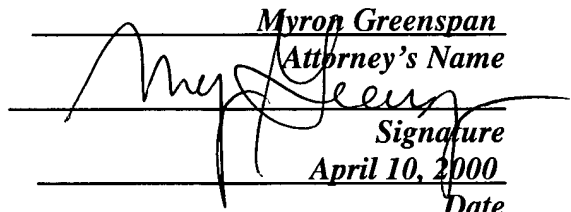
LACKENBACH SIEGEL MARZULLO
ARONSON & GREENSPAN, P.C.
Attorneys for Applicant(s)

By: 
MYRON GREENSPAN
Reg. No.: 25,680

MG/as

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Myron Greenspan
Attorney's Name

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April 10, 2000
Date

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